

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested.

Claims 11-13, 15 and 16 remain pending with claim 11 being the sole independent claim. Claim 11 has been amended to clarify that the claimed method facilitates “two-way” high-speed broadband communications between a mobile communications terminal and a base station. Support for this amendment appears in the application as filed, e.g., at paragraphs [0059], [0076] and Figs. 2-3 of the published application (US Pub. No. 2005/0053026).

For the reasons set forth at pages 2-5 of the Office Action, claims 11-13, 15 and 16 stand rejected under 35 USC 103(a) as being unpatentable over Bengeult (US Pub. No. 2002/0087992) in view of Dillon (2002/0108116) and further in view of Nobakht (US Pub. No. 2001/0054112). These rejections and their underlying rationale are traversed.

The art of record – regardless of how it is hypothetically combined – fails to disclose or suggest all of the features of independent claim 11. More specifically, claim 11 recites a method for high-speed broadband, ***two-way communication*** in which, among other things, the first and second (e.g., uplink) signals both from a mobile communications terminal and from a base station are transmitted using the same frequency and via the same transponder in a satellite.

In citing Bengeult and Dillon against claim 11, the Office conceded that Bengeult does not disclose that the uplink signal from the mobile platforms is the same frequency as the uplink from the ground station. And despite the Office's assertions, Dillon does not cure the deficiencies of Bengeult. To the contrary, Dillon relates to ***one-way broadcasting*** only and merely discloses that two different downlink signals (one high bit-rate, on low bit rate) from a single satellite transponder can be transmitted using a single frequency provided different polarizations are used. See, e.g., Dillon at paragraph [0015]. As a result, Dillon nowhere discloses or suggests a method of broadband, two-way communication in which a first signal from a mobile communications terminal is transmitted on the same frequency, and via the same satellite, as a second signal controlled by a base station. Although cited on different grounds, Nobakht similar fails to disclose or suggest at least these features of claim 11.

Accordingly, independent claim 11 is allowable over the art of record for at least the foregoing reasons. The remaining claims each depends directly or indirectly from independent claim 11 and thus are allowable for the same reasons and for reciting allowable subject matter in their own right. Independent consideration and allowance of the dependent claims are requested.

It is believed that all of the outstanding issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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